



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,167	01/18/2002	Andrew Lilburn	P21745	7601
7055	7590	12/02/2003	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			ALVO, MARC S	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,167

Applicant(s)

LILBURN, ANDREW

Examiner

Steve Alvo

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 34-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Application/Control Number:
10/050,167
Art Unit: 1731

Page 2

The 35 USC 112 rejections have been dropped in view of Applicant's arguments.

Claims 1-6, 18 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/08462.

WO 00/08462 teaches (see abstract) measuring the water flowing into the wet end section (17); measuring water flowing out of the wet end section (19); detecting conductivity of the wet web entering the wet end section (page 7, line 12); determining conductivity of water flowing into the wet end section through water sprayers (18); determining the conductivity of the water flowing out of the wet end section in press pans (19), and determining a material balance from the measured quantities (last line of the abstract). Obviously the press of WO 00/08462 is in the wet end of the paper machine as it is stated that the "wet fibre web is pressed between cylindrical rolls. Since the fiber web is still wet the press section is obviously still in the wet end section of the paper machine, e.g. it has not passed through the dryer section yet Note the ionstant system is also in the press section, see claim 3.

Claims 7-17, 19-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/08462 as applied to claim 1 above, and further in view of LEWIS (5,093,795) with or without JUSTUS (3,185,617) or ELY (3,185,617).

The use of plural presses is well known in the art and taught by LEWIS, (23), (24), (28) or if not aught by LEWIS the use of plural presses is taught by JUSTUS (3,185,617) or ELY (3,185,617). It would have been obvious to better control the drying process by performing the water balance taught by WO 00/08462 in each of the press sections of LEWIS or JUSTUS (3,185,617) or ELY (3,185,617). LEWIS further teaches that the headbox is part of the wet end

section and contains all of the fibrous material used in the web. It would have been obvious that the conductivity of the wet web could be determined from the slurry prior to web formation rather than after web formation as it is the same material in different form. LEWIS also teaches the importance of measuring and controlling the cross-direction profile of the water content. It would have been obvious to measure the water in a cross direction to control the web uniformly across its width as taught by LEWIS.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/08462 as applied to claim 1 above, and further in view of BOSEN (3,655,980).

BOSEN teaches using nucleonic measurement to determine the water content of a web. It would have been obvious to use the nucleonic measurements of BOSEN (3,655,980) as a way to determine the water content of the web of WO 00/08462 as WO 00/08462 teaches measuring the water content of the web.

The argument that WO 00/08642 only measures the conductivity of the web after the press is not convincing as WO 00/08462 also teaches in calculating the material balance, using the wet web conductivity of the web coming into the press using **measured** or calculated values from the previous nip, see page 7, line 12 under the category "The material balance may be calculated" (page 7, line 6) and under the sub-heading "In:" (page 7, line 9). Clearly WO 00/86642 can measure the conductivity of the wet web coming into the press.

Except for claim 33, Applicant's do not present any specific arguments as to how the limitations set forth in the dependent claims are separately patentable over the cited prior art. Applicant merely recites the language of each dependent claim and states the art does not teach or suggest the combination for each dependent claim.

Application/Control Number:
10/050,167
Art Unit: 1731

Page 4

With respect to claim 33 as set forth above, BOSEN teaches using nucleonic measurement to determine the water content of a web. It would have been obvious to use the nucleonic measurements of BOSEN (3,655,980) as a way to determine the water content of the web of WO 00/08462. Besides the use of nucleonic measurements in monitoring the weight of paper was known in the art as evidenced by WO 00/08462, page 3, lines 18-19.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

When filing an **“Official”** FAX in Group 1730, please indicate in the Header (upper right) **“Official”** for papers that are to be entered into the file. The **“Official”** FAX phone number for this TC 1700 is: Fax: (703) 872-9306.

Application/Control Number:
10/050,167
Art Unit: 1731

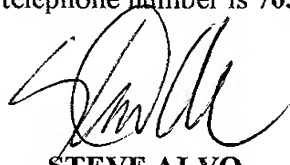
Page 5

Any inquiry concerning this communication or earlier communications from the **primary examiner** should be directed to **Steve Alvo** whose telephone number is **(703) 308-2048**. The Examiner can normally be reached on Monday - Friday from **6:00 AM - 2:30 PM (EST)**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Steve Griffin, can be reached on 703-308-1164.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Group receptionist** whose telephone number is **703-308-0661**.

MSA
11/25/2003



STEVE ALVO
PRIMARY EXAMINER
ART UNIT 1731